

PLANNING AND ZONING COMMISSION
MINUTES OF **TUESDAY, AUGUST 06, 2024**

Pursuant to notice duly given, the regular meeting of the Planning and Zoning Commission, also sitting as the Board of Zoning Appeals, was called and held on **Tuesday, August 06, 2024.**

Members present: Craig Steinbrink; Chair, Chip AuWerter, Jim Deacon, Christine Riley and Jeannine Voinovich.

Members absent: Scott Broome and Emily Hamilton.

Also present: Chris Courtney, Village Engineer
Todd Hunt, Village Law Director

The meeting start time was delayed until 5:30pm due to hazardous weather conditions.

1. Roll call.
2. The minutes of **Tuesday, June 04, 2024** regular meeting of the Planning and Zoning Commission were submitted for approval.

A motion was made to approve the minutes as *amended*, on page 2, first paragraph; "He felt" needs to be added to the second sentence.

Motion by: J. Auwerter 2nd: J. Voinovich

Roll Call: Ayes: All others.
 Nays: None.

Motion Approved

Riley Enters

3. A demolition request for the **BURTON TRAIL, LLC** residence at **42999 Burton Trail** was heard.
Richard Kerens, representing the purchaser and Todd Crocket, representing the current property owner were present.

Mr. Hunt reviewed Section 1313.082 of the Gates Mills Building Code that must be met in order for a demolition permit to be issued. He stated a few of the items may not be in place at the time of the request but will need to be coordinated with the Building Official.

He asked if the demolition request had been reviewed by the Architectural Board of Review (ABR) and if it had been approved.

Mr. Biggert stated the request was reviewed and approved by the ABR.

Mr. Kerens stated the following in response to the seven application requirements:

1. He is not aware of any environmental problems that currently exist on the property.
2. A bond deposit will be made at the time the permit issued.
3. The contractor performing the demolition work will be Buckeye Excavating.
4. The excavator will submit a modified SWPP prior to the permit being issued.
5. The excavator will coordinate the demolition process with the Building Official while the work is being performed.
6. No, the demolition will not create any adverse impacts on the adjacent property; they will be the new owners of the property.
7. A landscape plan has been provide in the application showing no negative impacts will occur on the adjacent properties.

Mr. Steinbrink asked if the new property owners would consider combining the two properties into one. Combining the properties would insure no other house can be built on the adjoining property.

Mr. Kerens stated he would discuss this option with the owner for consideration.

Mr. AuWerter stated his concern with demolition requests of this type. Permits of this type reduce the income to the Village because it becomes vacant property with a lower value and therefore less tax being paid.

Mr. Hunt stated that is a valid point. However, the Commission must base its decision on the criteria contained in Section 1313.082.

After further discussion, a motion was made to approve the demolition request as noted; the contractor will submit the remaining information as required by Section 1313.082 and coordinate the demolition activity with the Building Official and Village Engineer as necessary.

Motion by: J. Deacon 2nd: C. Riley

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

A discussion was held regarding prohibiting recreational use cannabis businesses within the Village.

Mr. Hunt explained the current Ohio law regarding business of this type. He stated the Villages current ordinance only addresses medical use cannabis businesses. He reviewed a document he submitted to the Commission for consideration.

He stated if the Commission decides an ordinance needs to be in place prohibiting this type of business within the Village, he could draft an ordinance and submit it for the August Council meeting for consideration and discussion.

After further discussion, a motion was made to recommend to Council a new ordinance prohibiting recreational use cannabis businesses within the Village of Gates Mills.

Motion by: J. Voinovich 2nd: C. AuWerter

Roll Call: Ayes: All.
 Nays: None.

Motion Approved

Refer to audio recording for additional detail.

There being no further business the meeting was adjourned at **6:09 P.M.**

Craig Steinbrink, Chair

David Biggert, Secretary